

VISHAKHA SHAH,
Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

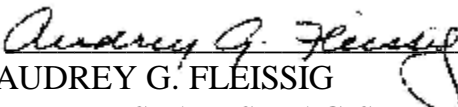
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This matter is before the Court¹ on Plaintiff's application for reimbursement of attorney's fees in the amount of \$1,289.19 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(B), and costs (filing fee) of \$250.00. Plaintiff is the prevailing party in her action challenging the Commissioner of Social Security's denial of Plaintiff's application for disability insurance benefits. Plaintiff's request for fees is supported by appropriate documentation. The Commissioner does not object to Plaintiff's request,² noting that the cost of the filing fee is paid out of the Judgment Fund administered by the

² Although the present motion was filed beyond the 30-day time limit for such motions, this time limit is not "jurisdictional" in the sense that it can not be waived, and such waiver exists here by virtue of the government's specific acquiescence in Plaintiff's request. See Scarborough v. Principi, 541 U.S. 401, 413-14 (2004); Vasquez v. Barnhart, 459 F. Supp. 835, 836-37 (N.D. Iowa 2006).

Department of the Treasury. Upon review of the record,

IT IS HEREBY ORDERED that Plaintiff's application for attorney's fees and costs is **GRANTED** in the amount of \$1,289.19 in fees and \$250.00 in costs. The payment of \$250.00 for costs should be made directly to Gateway Legal Services, Inc., from the Judgment Fund administered by the Department of the Treasury. [Doc. #14]


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 15th day of June, 2007.